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January 4, 2008

The Honorable Paul Condino and members of the House Judiciary Committee  
State Capitol  
PO Box 30014  
Lansing, Michigan 48909-7514

Dear Chairman Condino and Committee Members:

On behalf of the Elder Law and Disability Rights Section (ELDRS) of the State Bar of Michigan, I wanted to express our views on HB 5186-8. The views represent the views of our section and not of the State Bar of Michigan. We are very pleased that the committee is moving forward on legislation designed to protect those individuals who are subject to guardianships and conservatorships and, for the most part, we believe that this package of bills furthers their protection. The Section supports HB 5187-8 but requests that the tie-bar to HB 5186 be removed from the other bills.

Our rationale for the removal of the tie-bar is that the Probate Court already has the authority to require a guardian to petition for the appointment of a conservator. Furthermore, we believe that the provision in HB 5186 requiring *guardians ad litem* to locate and report to the court the amount of cash and property readily convertible to cash in the individual's estate is problematic due both to the short time for filing the GAL report and to the fact that the *guardian ad litem* may be assigned multiple cases at one time. Because the current compensation for *guardians ad litem* is currently below the fair value of their services, we believe that adding additional requirements may cause even greater disparity and cause individuals to be reluctant to perform these services. We understand that the intent of the bill is to provide further protection for the incapacitated and regret that we do not believe HB 5186 to be practicable as drafted.

Thank you again for your interest in providing protections to the incapacitated.

Sincerely yours,



Dolores M. Coulter  
Chair, Elder Law and Disability Rights Section, SBM